

### **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1, 2, 6-16, 18, 25 were previously canceled. Claims 3-5, 43, 45, 47, 49, and 51 are currently amended. Applicant submits that support for the amendments can be found throughout the application as originally filed. After amending the claims as set forth above, Claims 3-5, 17, 19-24, and 26-52 are now pending in this application.

#### **I. Interview Summary**

Applicant thanks the Examiner for the courtesy extended during the Examiner Interview which took place with Applicant's representatives on June 7, 2011. During the Interview, the pending claims, the double patenting rejection, and the cited art were discussed. On June 9, 2011, the Examiner and Applicant's representative also discussed the "means" language in Claim 3 as well as U.S. Patent No. 7,206,820. No agreement as to the allowability of the claims was reached.

#### **II. Claim Rejections under 35 U.S.C. § 101**

One page 2 of the Office Action, Claims 45, 47, 49 and 51 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Specifically, the Examiner alleges that the broadest reasonable interpretation of a claim drawn to a computer readable medium typically covers forms of non-transitory tangible media and transitory propagating signals per se. Based upon the Examiner's suggestion, Applicant has amended Claims 43, 45, 47, 49 and 51.

For at least the above reasons, Applicant respectfully requests the withdrawal of the rejection from Claims 43, 45, 47, 49 and 51.

### **III. Double Patenting Rejection Based on U.S. Patent No. 6,311,214**

On page 4 of the Office Action, Claims 3-5, 17, 19-24, and 26-52 were rejected for nonstatutory double patenting as allegedly being unpatentable over Claims 1-23 of U.S. Patent No. 6,311,214 to Rhoads (the '214 Patent). Applicant respectfully disagrees and submits that the features of the pending claims are not obvious variations of Claims 1-23 of the '214 Patent.

#### **A. Claims 3-5**

The '214 Patent fails to claim a number of features of the currently pending Claims. Claim 3 of the present application recites:

3. A system for linking from physical or digital objects to corresponding digital resources, the system comprising:

**a registration server** configured to:

receive data relating to an object, wherein the data comprises an identity and an owner of the object; and

associate the data in a database with data relating to a corresponding response;

an originating device configured to:

sense data from an input object;

process the data; and

forward the processed data to a router;

**wherein the router** is configured to:

process the processed data from the originating device;

log information concerning the processed data;

identify a product handler to which at least certain of the processed data should be forwarded — from among plural different product handler; and

forward the at least certain of the processed data to the identified product handler; and

**a product handler** configured to provide a response to the originating device in accordance with the information provided thereto by the router, wherein the product handler is distinct from the router.

(Emphasis added). Claim 3 includes features of a “registration server,” a “router,” and a “product handler.” Applicant submits that the claims of the ’214 Patent do not include similar features. For at least these reasons, Applicant submits that the features of Claim 3 and dependent Claims 4 and 5 are not an obvious variation of Claims 1-23 of the ’214 Patent. Applicant, therefore, respectfully requests withdrawal of this rejection from Claims 3-5.

**B. Claims 17, 19-22, 24, 26-31, 41, 43, 44, and 47-52**

Claim 17 of the present application recites:

17. A method of linking from physical objects to corresponding electronic resources, the method comprising:

sensing object payload data from a machine readable feature associated with a first physical object, using a hardware sensing device, wherein the first physical object is a member of a logical set;

querying a database with at least some of the object payload data to obtain first address information associated with the first physical object;

initiating an electronic link based on the first address information;

**foreseeing information about object payloads that may be forthcoming but that do not share with the first object the payload data with which the database was queried; and**

**anticipatorily obtaining second address information associated with such foreseen object payloads after obtaining the first address information associated with the first physical object, wherein address information associated with other physical objects — but not associated with the first physical object — is obtained in expectation that such other physical objects**

**may thereafter be sensed, and wherein the second address is associated with a physical object that has not previously been sensed by the hardware sensing device, and wherein the second address information is associated with other physical objects that are also members of the logical set.**

(Emphasis added). Claims 24, 30, 41, 43, 44, and 47-52 contain one or more features similar to those emphasized features of Claim 17. Applicant submits that the claims of the '214 patent do not include features similar to “foreseeing information about object payloads that may be forthcoming” or “anticipatorily obtaining second address information associated with such foreseen object payloads after obtaining the first address information associated with the first physical object.” For at least these reasons, Applicant submits that the features of Claims 17, 24, 30, 41, 43, 44, and 47-52 and dependent Claims 19-22, 26-29, and 31 are not an obvious variation of Claims 1-23 of the '214 Patent. Accordingly, Applicant respectfully requests withdrawal of this rejection from Claims 17, 19-22, 24, 26-31, 41, 43, 44, and 47-52.

### **C. Claims 23, 45, and 46**

Claim 23 recites:

23. A method comprising:

sensing a first object identifier from a first object, using a hardware sensor device, wherein the first object is a member of a logical set;

sending the first object identifier from a first device to a second device;

in response, receiving from the second device, first address information corresponding to the first object identifier;

initiating a link from the first device in accordance with the first address information;

**after receiving from the second device the first address information, receiving from the second device second address information corresponding to additional objects related to the first object but that have not previously been sensed by the hardware sensor device, wherein the second address**

**information is associated with other physical objects that are also members of the logical set; and**

**storing the second address information in a memory at the first device;**

**wherein, if an object included among the identified additional objects is sensed by the hardware sensor device, the corresponding second address information can be retrieved from the memory in the first device without the intervening delays of communicating with the second device.**

(Emphasis added).

Claims 45 and 46 contain one or more features similar to those emphasized features of Claim 23. Applicant submits that the claims of the '214 patent do not include features similar to “after receiving from the second device the first address information, receiving from the second device second address information corresponding to additional objects related to the first object but that have not previously been sensed by the hardware sensor device, wherein the second address information is associated with other physical objects that are also members of the logical set;” “storing the second address information in a memory at the first device;” and “wherein, if an object included among the identified additional objects is sensed by the hardware sensor device, the corresponding second address information can be retrieved from the memory in the first device without the intervening delays of communicating with the second device.” For at least these reasons, Applicant submits that the features of Claims 23, 45, and 46 are not an obvious variation of Claims 1-23 of the '214 Patent. Accordingly, Applicant respectfully requests withdrawal of this rejection from Claims 23, 45, and 46.

#### **D. Claims 32-40**

Claim 32 recites:

32. A system for linking from physical or digital objects to corresponding digital resources, the system comprising:

**a database;**

**a registration device** configured to:

receive data relating to an object, wherein the data includes an identity and an associated owner of the object; and

associate the data related to the object in the database with data relating to a corresponding digital resource;

**a routing device** configured to:

receive data from a user device corresponding to an input object sensed thereby;

log information concerning the received data;

identify a product handler device to which at least certain of the processed data should be forwarded — from among plural different product handler devices; and

forward at least certain of the received data to a product handler device; and

**a product handler device** configured to provide a response to the user device, wherein the response is determined by reference to the database in accordance with the data received from the user device.

(Emphasis added). Claims 33-40 depend upon Claim 32 and, therefore, incorporate the features of Claim 32. Applicant submits that the claims of the '214 patent do not include features similar to “a database,” “a registration device,” “a routing device,” or “a product handler device.” For at least these reasons, Applicant submits that the features of Claims 32-40 are not an obvious variation of Claims 1-23 of the '214 Patent. Accordingly, Applicant respectfully requests withdrawal of this rejection from Claims 32-40.

#### **E. Claim 42**

Claim 42 recites:

42. A method facilitating linking from physical objects to corresponding electronic resources, the method including:

at a second device, receiving, from a first device, first object payload data decoded from a first machine readable feature associated with a first physical object, wherein the first physical object is a member of a logical set;

querying a database with at least some of the received first object payload data, to obtain first address information associated with the first physical object;

**transmitting the first address information from the second device, so as to enable the first device to link to information associated with the first physical object;**

**anticipatorily transmitting other, second address information from the second device, wherein the second address information is associated with a second physical object for which no object payload data has previously been received by the second device from the first device, and wherein the second address information is associated with other physical objects that are also members of the logical set.**

(Emphasis added). Applicant submits that the claims of the '214 patent do not include features similar to “transmitting the first address information from the second device, so as to enable the first device to link to information associated with the first physical object” or “anticipatorily transmitting other, second address information from the second device, wherein the second address information is associated with a second physical object for which no object payload data has previously been received by the second device from the first device, and wherein the second address information is associated with other physical objects that are also members of the logical set.” For at least these reasons, Applicant submits that the features of Claim 42 are not an obvious variation of Claims 1-23 of the '214 Patent. Accordingly, Applicant respectfully requests withdrawal of this rejection from Claim 42.

**IV. Conclusion**

Applicant submits that, for at least the foregoing reasons, all claims of the present application are patentable over the cited art. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date July 12, 2011

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